REMARKS/ARGUMENTS

These remarks are made in response to the final Office Action of December 26, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. Nonetheless, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

Claims Rejections – 35 USC § 103

Claims 1, 3-7, 11-12, 15-18, 20-23, 25 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,813,608 to Baranowski (hereinafter Baranowski) in view of U.S. Patent 6,487,180 to Borgstahl, *et al.* (hereinafter Borgstahl), and in further view of U.S. Patent 6,356,905 to Gershman (hereinafter Gershman). Claims 2, 13-14, 19, and 26-29 were rejected under U.S.C. § 103(a) as being unpatentable over Baranowski, Borgstahl, and Gershman, in further view of U.S. Patent 6,490,443 to Freeny, Jr. (hereinafter Freeny). Claim 8 was rejected under U.S.C. § 103(a) as being unpatentable over Baranowski, Borgstahl, and Gershman, in further view of U.S. Patent 6,577,720 to Sutter (hereinafter Sutter). Claims 9 and 10 were rejected under U.S.C. § 103(a) as being unpatentable over Baranowski, Borgstahl, and Gershman, in further view of U.S. Published Patent Application 2003/0061271 to Pittarelli (hereinafter Pittarelli).

Claims 1-7, 12-15, 17-18, 20-23, 25-26, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,601,040 to Kolls (hereinafter Kolls) in view of Borgstahl and Pittarelli, and in further view of U.S. Patent 6,337,981 to Peters (hereinafter Peters). Claim 12 was rejected under U.S.C. § 103(a) as being unpatentable over Kolls, Borgstahl, Pittarelli, and Peters, in further view of U.S. Patent 6,601,039 to Kolls (hereinafter Kolls 2).

Although Applicants respectfully disagree with the claim rejections, Applicants have amended the claims so as to expedite prosecution of the present application. It is expressly noted, however, that the amendments should not be interpreted as the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have amended independent Claims 1, 12, 18, and 30 to further emphasize certain aspects of the invention. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

Certain Aspects Of Applicants' Invention

It may be useful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, is a method for providing kiosk service offerings.

The method can include retrofitting an existing, publicly-located, and fixed positioned kiosk with a host computing device for selectively retrieving electronic services from remote servers over an existing physical communications link to an existing communications network and a short-range frequency communications system for delivering selected electronic services over a short-range frequency communications link to wireless devices in a personal area network (PAN). The electronic services can include data and applications. See, e.g., Specification, page 3, lines 15-19.

The method also can include maintaining a list of available electronic services provided by the kiosk. A portion of the available electronic services can be stored locally within the kiosk, and a different portion of the available electronic services can be

retrievable by the kiosk from the remote servers of the existing communications network via the existing physical communications link. See, e.g., Specification, page 5, lines 3-5.

The method further can include establishing a short-range frequency wireless communications link with a wireless device in the PAN, in response to a subscriber query received from the wireless device, generating a subscriber-specific list of available electronic services by selecting among the list of all available electronic services, conveying the subscriber-specific list to the wireless device for presentment to the subscriber, and receiving at the kiosk a request from the wireless device for at least one of the available electronic services included in the subscriber-specific list. The selection can be based upon at least one of a subscriber prioritization, a predetermined value assigned to the subscriber, advertising revenues associated with each available service, and communication resources of the wireless device. See, e.g., Specification, page 13, lines 1-18.

The method additionally can include: determining whether the requested electronic services wholly reside in the kiosk or whether components of the requested electronic services reside in the kiosk. If it is determined that the requested electronic services wholly reside in the kiosk, the requested electronic services can be delivered to the wireless device in the PAN without retrieving the requested electronic services over the existing physical communications link. If it is determined that certain components of the requested electronic services reside in the kiosk, the certain components can be delivered to the wireless device while retrieving remaining components of requested electronic services over the existing physical communications link. If it is determined that none of the requested electronic services resides in the kiosk, the requested electronic services can be retrieved over the existing physical communications link and the retrieved electronic services can be delivered to the wireless device in the PAN. See, e.g., Specification, page 4, lines 14-26.

The Claims Define Over The Cited References

Baranowski is directed to a wireless system and a portable device with wireless connection to the wireless system for linking customers to the operation of a business (see, e.g., Abstract). More specifically, Baranowski discloses a wireless system consisting of a system controller (120), which is connected with a point-of-sale equipment (125) via a communication link (127) and to a web host (130) via a connection (122), and a number of transceiver bases (101-106) dispersed throughout the wide-area facility. However, Baranowski does not disclose a kiosk retrofitted with a host computing device for selectively retrieving electronic services from remote servers over an existing physical communications link with an existing communications network and a short-range frequency communications system for delivering selected electronic services over a short-range frequency communications link to wireless devices in a personal area network (PAN).

In Baranowski, the portable device (100) does not communicate directly with the controller (120) or the kiosk, but rather "a communication to the controller (120) from the portable device (100) will be received by the base unit or units nearest the device (100) and then transmitted from base unit to base unit to ultimately reach the system controller (120)" (see col. 5, lines 21-24). By contrast, in the present invention, the kiosk 100 can detect PAN-enabled wireless devices 140 geographically proximate to the kiosk 100 with which the kiosk 100 can establish a communications connection over which the kiosk 100 can transmit and receive data (see Specification, page 8, lines 9-11). Clearly, in the present invention the wireless device communicates directly with the kiosk without going through a base unit.

Also, in Baranowski the controller (120) is connected to a web host (130) so that users input information to, and interact with, the system controller (120) over the Internet

(see col. 13, lines 58-61). In other words, in Baranowski the Internet is used for the user to access the controller (120) or the kiosk remotely, not for the kiosk to retrieve requested electronic services from servers in the Internet via an existing physical communications link. Clearly, the system controller (120) of Baranowski is not provided with a host computing device for selectively retrieving electronic services from remote servers over an existing physical communications link with an existing communications network as in the present invention.

Further, Baranowski does not disclose determining whether the requested electronic services wholly reside in the kiosk or whether components of the requested electronic services reside in the kiosk. Accordingly, Baranowski cannot deliver the requested electronic services to the wireless device in the PAN without retrieving the requested electronic services over the existing physical communications link based on first determining that the requested electronic services wholly reside in the kiosk. Likewise, Baranowski cannot deliver the certain components to the wireless device while retrieving remaining components of requested electronic services over the existing physical communications link based on a determination that certain components of the requested electronic services reside in the kiosk. Lastly, Baranowski cannot retrieve the requested electronic services over the existing physical communications link and deliver the retrieved electronic services to the wireless device in the PAN based on determining that none of the requested electronic services resides in the kiosk.

Kolls relates to a wireless network system for allowing digital devices to connect to a wireless network for the purpose of data communicating, e-mail, e-commerce, and e-business by way of an electronic commerce terminal (see, e.g., Abstract). However, Kolls does not disclose a kiosk retrofitted with a host computing device for selectively retrieving electronic services from remote servers over an existing physical communications link with an existing communications network and a short-range

frequency communications system for delivering selected electronic services over a short-range frequency communications link to wireless devices in a personal area network (PAN). A wireless network system is not new and is also not the subject matter the present invention attempts to claim. The inventive concept of the present invention lies in retrofitting an existing kiosk with a host computing device for selectively retrieving electronic services from remote servers over an existing physical communications link and a short-range frequency communications system for delivering selected electronic services over a short-range frequency communications link to wireless devices in a personal area network (PAN), so that the wireless devices can conveniently access applications and data required for computing, which do not reside in the wireless devices due to their limited storage capability and cannot be accessed through cellular communications links due to their limited bandwidth, when they are in the vicinity of the kiosk, namely in the PAN network.

Further, Kolls does not disclose: determining whether the requested electronic services wholly reside in the kiosk and whether components of the requested electronic services reside in the kiosk; delivering the requested electronic services to the wireless device in the PAN without retrieving the requested electronic services over the existing physical communications link if it is determined that the requested electronic services wholly reside in the kiosk; delivering the certain components to the wireless device while retrieving remaining components of requested electronic services over the existing physical communications link if it is determined that certain components of the requested electronic services reside in the kiosk; or retrieving the requested electronic services over the existing physical communications link and delivering the retrieved electronic services to the wireless device in the PAN if it is determined that none of the requested electronic services resides in the kiosk.

The other cited references do not make up for the differences between the present invention and Baranowski as well as Kolls.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 12, 18, and 30, as amended. Applicants therefore respectfully submit that amended Claims 1, 12, 18, and 30 define over the prior art. Furthermore, as each of the remaining claims depends from Claim 1, 12, 18, or 30 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

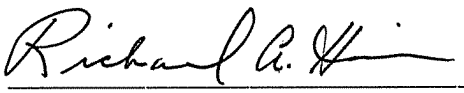
Applicants thus respectfully request that the claims rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: **March 26, 2008**



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